

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

JUSTIN SCHEER,

Plaintiff,

v.

ALEXANDRIA TAYLOR, *et al*,

Defendants.

Civil Action No. 2:22-cv-764

Hon. William S. Stickman IV
Hon. Lisa Pupo Lenihan

ORDER OF COURT

Pro se Plaintiff Justin Scheer (“Plaintiff”) filed a complaint alleging that his rights were violated under 42 U.S.C. § 1983. (ECF No. 4). His claims arise out of the execution of a search warrant on June 6, 2020, at the residence of Victoria Loadman. Motions to dismiss were filed by Defendants: District Attorney File No. 321100, identified as ADA Gregory Stein (ECF No. 26); Cassidy Schemm (ECF No. 28); and Alexandria Taylor, Sergeant Gahr, Sergeant Kneer, Detective Richner, Detective Nee, Detective Barone, Detective Nowe, Detective Lippl, Detective Fabus, Detective Zeltner, Detective Gorecki and Detective Crawford (ECF No. 30). After Plaintiff filed responses to the motions (ECF No. 37, 40, 41, and 54), Magistrate Judge Lisa Pupo Lenihan issued a Report and Recommendation on June 2, 2023, recommending that the motions be granted, all claims against Defendants be dismissed with prejudice, and leave to amend be denied as futile. (ECF No. 56). Plaintiff was given until June 16, 2023, to file objections to the Report and Recommendation. (*Id.*).

No objections having been filed, the Court hereby ADOPTS Magistrate Judge Lenihan’s Report and Recommendation as its Opinion. It concurs with her thorough legal analysis and conclusion.

AND NOW, this 27 day of June 2023, is it is HEREBY ORDERED that Defendant District Attorney File No. 321100's (identified as ADA Gregory Stein) Motion to Dismiss (ECF No. 26) is GRANTED, Defendant Cassidy Schemm's Motion to Dismiss (ECF No. 28) is GRANTED, and Defendants Alexandria Taylor, Sergeant Gahr, Sergeant Kneer, Detective Richner, Detective Nee, Detective Barone, Detective Nowe, Detective Lippl, Detective Fabus, Detective Zeltner, Detective Gorecki and Detective Crawford's Motion to Dismiss (ECF No. 30) is GRANTED. Plaintiff's claims against Defendants are DISMISSED WITH PREJUDICE. The Court further holds that amendment would be futile.¹

BY THE COURT:



WILLIAM S. STICKMAN IV
UNITED STATES DISTRICT JUDGE

¹ "An amendment is futile if it merely restates the same facts as the original complaint in different terms, reasserts a claim on which the court previously ruled, fails to state a legal theory, or could not withstand a motion to dismiss." 3 James Wm. Moore et al., *Moore's Federal Practice* ¶ 15.15 (3d ed. 2021).